



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
06/459,700	06/02/95	HARVEY	5634.243

LM02/0608

Hunton & Williams  
1900 K Street, N.W.  
Washington DC 20006-1109

EXAMINER
LOTHER, W

ART UNIT	PAPER NUMBER
2731	27

DATE MAILED: 06/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

*See Attached.*

Commissioner of Patents and Trademarks

1. This action is in response to ~~7/6/99~~. Remarks that exist for pending claims ~~2-24~~, have been considered but are moot in view of the new ground(s) of rejection.

Overview.

As a preliminary matter, it is understood that applicants and the PTO have agreed to consolidate co-pending applications from ~329 in number to ~78 in number wherein applicants "claim" priority benefit under Section 120 for ~41/78 to 9/11/87 ('87), and ~37/78 to 11/3/81 ('81). However, to date, applicants have failed to complete the consolidation. For example and for illustration, in the group of 37/78, examiner finds consolidation papers for only 23 of 37.<sup>1</sup> ~~8/10/99~~ 3/15/04

Applicants must understand that their failure, to date, to complete the consolidation has contributed to delay in prosecution, noting that the agreement to consolidate was made over an entire year ago.<sup>2</sup> Clarification is requested for when applicants intend to carry forth completion of their

---

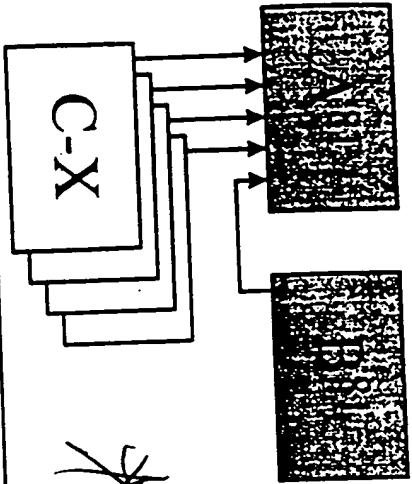
<sup>1</sup>See Appendix B for examiners count of cases having consolidation papers. It is noted, for ex, that "group" 8 fails to map the claims, and hence is not within consonance of agreement and therefore is recognized as an amendment to an outstanding office action.

<sup>2</sup>For illustration, it is noted that the co-pending application no. 08/474,964 (see "group" 30 in Appendix B) consolidation was received 3/9/99. Therein, on page 9 (paper 20), applicants allege "In consonance with the agreement...Applicants...join the claims", etc.

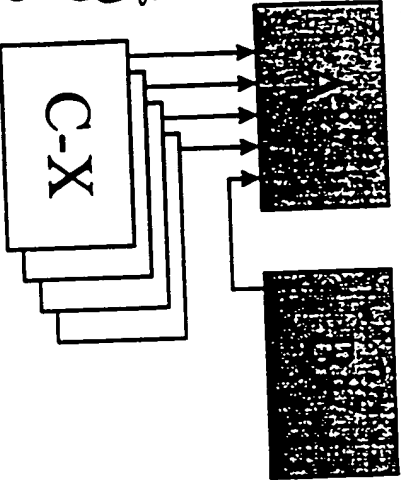
Applicants' allegation  
of consolidation.

Attachment 1

1981 Effective Filing Date



1987 Effective Filing Date



1. Enter preliminary amendment to A adding: (a) all claims of applications C to X, and (b) all but one claim of application B.
2. Receive from PTO interview summary stating the origin of transferred claims and that all the claims are subject to examination in application A.
3. Expressly abandon applications C to X.
4. Maintain application B as a potential application for any claims not allowed.

Each Group  
of 52

Applicants propose  
amendments to claim  
language

Examiners prepare  
questions in response

1st Interview of Record

Off-record interviews with  
applicants and examiners

2d Interview of  
Record: 1. 112(1&2);  
2. Pat. SM; 3. All  
issues resolved.

No  
Any Claims  
to Appeal?

Yes

2d Interview of Record:  
Claims at issue moved to  
application B; cancelled  
from application A, if any.

Office Action

Allowable  
claims to  
Appln. A

Expressly abandon  
application B if no  
Appeal issues

Issue Application A

Appln. B To  
Board of  
Appeals

**Interview Summary Attachment**

USPTO Serial No. 08/AAA,AAA  
Attorney Docket No. 05634.000A  
Filing Date: August 30, 1993  
Art Unit: 2737  
Examiner: FAILE, A.

Int. Summary that  
applicants alleged  
they would provide

Applicants hereby present a preliminary amendment to the above-identified application adding the following claim(s) from the following application serial number(s), and hereby expressly abandon the following corresponding application(s) as indicated below:

Claims	Applications Serial No(s).	Expressly Abandon Application(s)
X	08/XXX,XXX	
Y	08/YYY,YYY	Abandoned
Z	08/ZZZ,ZZZ	Abandoned

The preliminary amendment adding the above-identified claims is hereby entered in the above-identified application and examined along with original claims XXX. An action on the merits is to follow.

Date: \_\_\_\_\_, 1999.